REMARKS

Claims 1, 3, 5-11, 13, 15-19, 21 and 23-28 are pending in the present application. It is respectfully submitted that this Response is fully responsive to the Office Action dated August 1, 2007.

Allowable Subject Matter:

Applicant gratefully acknowledges the indication that claims 7, 27 and 28 are allowable.

As to the Merits:

As to the merits of this case, the Examiner sets forth the following rejection:

claims 1, 3, 5-6, 8-11, 13, 15-19, 21 and 23-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Angelo et al. (USP 7,073,064) in further view of Lin (US 2002/0099974).

This rejection is respectfully traversed.

Independent Claims 1, 11 and 19:

Independent claim 1 calls for *switching to the BIOS in said memory in standby when the BIOS in said one memory cannot be booted, executing an update after a successful boot-up of said BIOS by writing to said memory in standby, permitting switching said memory in standby to in operation when the update of said BIOS in said memory in standby succeeded, and writing the*

BIOS of said memory switched to operation, to said memory switched to standby for redundancy

after said switching. Independent claims 11 and 19 include similar features.

With the regard to the primary reference of Angelo, the Examiner specifically relies on the disclosure in col. 1, lines 47-56 in pages 3 and 4 of the Action. Angelo discloses the following in column 1, lines 47-56:

> A flashable BIOS may consist of two separately programmable portions, each containing identical copies of the BIOS software. To upgrade or flash the BIOS, only half of the memory is updated at one time. To update the BIOS without losing operability, the inactive half of the BIOS is overwritten first. Once the system is power cycled the second time, the system is brought up with the newly overwritten portion of the BIOS being active. Subsequently, the section containing the older BIOS routine can be updated while it is inactive.

That is, in Angelo, the BIOS in the inactive half of the memory is overwritten first, then the system is power cycled a second time and is brought up with the newly overwritten portion of the BIOS being active.

In contrast, in claim 1, the boot-up is performed using the original version of the BIOS after the standby memory is switched to the operation memory and then after the boot-up using the original BIOS is successfully performed, then the memory previously switched to standby, which was unable to boot-up with the original BIOS, is updated with a new BIOS. That is, in claim 1, the boot-up of the original BIOS is performed before the BIOS in the standby memory, which was unable to boot-up with the original BIOS, is updated.

As such, it is respectfully submitted that Angelo fails to disclose the step of claim 1 regarding *executing an update after a successful boot-up of said BIOS by writing to the memory in standby,* since instead Angelo discloses that the BIOS of the inactive half portion of the memory is updated first and then a second boot-up occurs based on the updated version of the BIOS in the previous inactive portion of the memory.

Moreover, in Angelo, once the inactive portion of the memory is updated with the new version of the BIOS and a subsequent boot-up is performed using the new version of the BIOS, Angelo fails to disclose that the now active memory, formerly the inactive memory, is again switched to the inactive state. In other words, once the inactive memory is switched to the active memory after being updated with a new BIOS and then booted-up, Angelo fails to disclose that further switching between the status of the two memories is permitted.

In addition, it is also submitted that Angelo discloses that two BIOS are mounted in a single memory, so switching cannot be executed as claimed in the present invention.

As such, it is respectfully submitted that Angelo also fails to disclose or fairly suggest the feature of claim 1 regarding *permitting switching said memory in standby to an operation when the update of said BIOS in said memory in said standby succeeded.*

In addition, the Examiner also acknowledges that Angelo does not teach the steps of *switching to the BIOS in said memory in standby when the BIOS in one memory cannot be booted,* as called for in claim 1 In order to overcome this deficiency of Angelo, the Examiner relies on the teachings of the secondary reference of Lin. However, while Lin may disclose switching to a backup memory, that is Lin switches from the primary BIOS to the secondary BIOS when the primary BIOS is defective, it is submitted that Lin fails to disclose or fairly suggest the above-noted drawbacks and deficiencies of Angelo regarding *executing an update after a successful boot-up of said BIOS by writing to said memory in standby, permitting switching said memory in standby to in operation when the update of said BIOS in said memory in standby succeeded.*

Therefore, even if Angelo and Lin can be combined in the manner suggested by the Examiner, such combination would still fail to disclose these features set forth in claim 1 and the similar features set forth in independent claims 11 and 19.

Dependent Claims 3, 13 and 21:

Claim 3 calls for *switching said permitted memory in standby to in operation, and said memory in operation to in standby when said hardware is started up.* Claims 13 and 21 include similar features. It is submitted that Angelo and Lin, singly or in combination, fail to disclose or

fairly suggest the features of claim 3 concerning *switching said permitted memory in standby to in operation, and said memory in operation to in standby when said hardware is started up.*

Dependent Claims 5, 15 and 23:

Dependent claim 5 calls for *preventing switching of said memory in standby to said memory in operation when the update of said BIOS in said memory in standby failed.* Dependent claims 15 and 23 include similar features. It is submitted that Angelo and Lin, singly or in combination, fail to disclose or fairly suggest the features of claim 5 concerning *preventing switching of said memory in standby to said memory in operation when the update of said BIOS in said memory in standby failed.*

In view of the aforementioned remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

Response
Application No. 10/735,899
Attorney Docket No. 032172

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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